

EXHIBIT “C”

CHAPTER 24-7 LANDSCAPE, PROPERTY, AND BUILDING MAINTENANCE

Sections:

24-7-101.	Definitions.
24-7-102.	Purpose.
24-7-103.	Real Property; Required Landscaping; Maintenance Requirements.
24-7-104.	Real Property Maintenance.
24-7-105.	Maintenance of Structures.
24-7-106.	Parkway Maintenance.
24-7-107.	Failure to Properly Maintain Landscaping Property or Structures.

24-7-101. DEFINITIONS.

For the purpose of these regulations, the following terms, phrases and words shall have the meaning herein expressed:

(1) Department: means the West Valley City Community and Economic Development Department.

(2) Director: means the West Valley City Community Development Director or designee.

(3) Eradicate or Eradication: means the complete elimination or destruction of all ordinance violations relating to landscape, property or buildings.

(4) "Landscape or Landscaping" means the improvement of property through the addition of plants and the eradication of weeds and other deleterious material. Landscaping includes trees and may also include a combination of shrubbery, lawn, and vegetative or non-vegetative permeable groundcover. These may be further complemented with earth berms, walls and fences, all harmoniously combined to produce an aesthetic effect appropriate for the intended use. Landscaping may be designed to enhance and preserve natural features of a site, to make land more attractive for residential or other uses, to screen unattractive uses, or to act as buffers to visually separate different types of uses.

(5) Landscape or Landscaping Maintenance: means maintaining or keeping any landscaping or any area required to be landscaped:

(a) in a live condition, with consideration for common growth and water needs;

(b) free from weeds, disease, pests, litter and all other nuisances;

(c) fertilized, trimmed, edged, mulched and in a clean and living condition in compliance with regionally accepted horticultural practice.

(6) Maintain or Maintenance means when an object, structure, or other ordinance requirement is kept in working order or generally acceptable appearance by conducting necessary or ordinary repairs from time to time to keep such object, structure or ordinance requirement in working order.

(7) Owner: Any person, who alone or jointly or severally with others:

- (a) Has legal title to any premises, dwelling or dwelling unit, with or without accompanying actual possession thereof; or
 - (b) Has charge, care or control of any premises, dwelling or dwelling unit, as legal or equitable owner, agent of the owner, lessee, or is an executor, administrator, trustee or guardian of the estate of the owner.
- (8) Parkway: means the area, which is within a public street right of way, that is located between the back of the curb (or edge of pavement if there is no curb) and the sidewalk or, if there is no sidewalk, the edge of the right of way. Parkways are often referred to as park strips.
- (9) Person: Any individual, public or private corporation and its officers, partnership, association, firm, trustee, executor of an estate, the state or its departments, institution, bureau, agency, municipal corporation, county, city, political subdivision, or any legal entity recognized by law.
- (10) Solid Waste:
- (a) Garbage, refuse, trash, rubbish, hazardous waste, dead animals, sludge, liquid or semi-liquid waste, and other spent, useless, worthless or discarded materials;
 - (b) Materials stored or accumulated for the purpose of discarding;
 - (c) Materials that have served their original intended purpose; or
 - (d) Waste material resulting from industrial, manufacturing, mining, commercial, agricultural, residential, institutional, recreational or community activities.
 - (e) Materials resulting from unmaintained landscaping or buildings whether in a residential, commercial or other zone.
 - (f) Except it does not include solid or dissolved materials in domestic sewage or in irrigation return flows or discharges for which a permit is required under Chapter 11, Title 26, Utah Code Annotated 1953, as amended, or under the Federal Water Pollution Control Act, 33 U.S.C., Section 1251, et seq. (1.6)

24-7-102. PURPOSE.

It is the purpose of these regulations to provide for the cleaning of real property, securing, maintenance or removal of structures, control of weeds and maintenance, removal or eradication of unmaintained landscaping, property or structures in City, in a way that will:

- (1) Prevent fire hazards; (2.1)
- (2) Prevent insect, rodent and other vermin harborage;
- (3) Prevent induction of hazardous pollens into the air;
- (4) Prevent further spreading of vegetation that threatens the public health, safety or welfare;
- (5) Abate the existence or condition of objects, structures or solid waste that threaten the public health, safety, or welfare or that create a public nuisance; or negatively affects the City's image, property values or neighborhood success.
- (6) Prevent the continued existence of unsightly or deleterious objects and structures upon property resulting from lack of maintenance, repair or cleaning.
- (7) Enhance the appearance of property, increase property values and encourage neighborhood creation and maintenance within the City.

(8) Protect property values and improve the health and safety and appearance of the City by requiring that all landscaping and areas required to be landscaped be maintained in an appropriate and effective manner.

(9) Protect property values and improve the health and safety and appearance of the City by requiring that all Property to include all physical structures be maintained in an appropriate and effective manner.

24-7-103. REAL PROPERTY; REQUIRED LANDSCAPING; MAINTENANCE REQUIREMENTS.

(1) All developed residential parcels in the City shall have and maintain the following landscaping:

(a) Landscaping shall be installed in front yards between the front line of the house and the sidewalk on the entire width of the lot excluding the driveway. On corner lots, landscaping shall be installed in all areas between the sidewalk and the side line of the house between the front property line and the rear property line which are visible from the public right-of-way.

(b) Landscaping shall include at least one tree and a combination of lawn, shrubs or groundcover. Deciduous trees shall be a minimum size of 2- inch caliper. Conifer trees shall be at least six feet in height. Groundcover may include vegetative vines, low-spreading shrubs, or annual or perennial flowering or foliage plants. Groundcover may also include mineral or nonliving organic permeable material in not more than 50 percent of the net landscaped area. Mineral groundcover may include such materials as rocks, boulders, gravel, or brick over sand. Species, size, and placement of landscape elements shall be determined by the homeowner; however, low-water use landscaping is encouraged.

(c) At the time the water supply line to a house is installed, the builder shall furnish and install a stop-and-waste valve with an access sleeve and capped mainline to the surface to facilitate future sprinkler system installation. The stop-and-waste valve may also be located inside the home with a mainline extended to the exterior of the foundation wall and capped.

(d) On lots over one-half acre in size, landscaping shall only be required on 80 feet of street frontage to the depth of the front yard setback. On corner one-half acre lots, 80 feet of frontage shall be landscaped on each street. The 80-foot frontage may include customary access drives.

(2) All developed non-residential lots shall acquire and maintain landscaping as set forth in Title 7 of the West Valley City Municipal Code.

(3) It shall be unlawful for any person owning or occupying real property within West Valley City, to fail:

To provide landscaping in all areas where landscaping exists or is required to exist. This shall apply to all real property throughout the City regardless of age of development, zone or status.

To install, maintain, replace or repair landscaping in all areas where it is required to exist or does exist.

24-7-104. REAL PROPERTY MAINTENANCE.

It shall be unlawful for any person owning or occupying real property within West Valley City, to fail:

(1) To properly maintain real property including but not limited to concrete, fencing, lighting, non-attached structure items, retaining walls, sheds, or mailboxes.

(2) To maintain, repair or replace fencing and to clear any weeds or other noxious plant material that is growing through around, under or up into fences.

(3) To maintain any fencing that is falling down, hazardous, being used as a retaining wall or is unsightly.

(4) To park any motorized or non motorized vehicle, camper, trailer or boat on an ordinance approved location as set forth in Title 7 of the West Valley City Municipal Code.

24-7-105. MAINTENANCE OF STRUCTURES.

It shall be unlawful for any person owning or occupying real property within West Valley City, to fail to:

(1) Maintain all buildings and other structures to the minimum standards required by the International Property Maintenance Code, the Uniform Housing Code, and the Uniform Code for Abatement of Dangerous Buildings.

(2) Maintain each exterior window of a building with an intact and unbroken window pane with an appropriate screen that shall remain in place at all times.

(3) Provide each exterior doorway with an appropriate door as required by the International Property Maintenance Code, the Uniform Housing Code, and the Uniform Code for Abatement of Dangerous Buildings.

(4) Provide and maintain weatherproofing on all exterior surfaces that protect the building such as paint, masonry, siding, stucco, roof coverings, rain gutters, garage doors, and carports as required by the International Property Maintenance Code, the Uniform Housing Code, and the Uniform Code for Abatement of Dangerous Buildings.

24-7-106. PARKWAY MAINTENANCE

(1) Landscaping or concrete shall be installed in all parkways. A permit is required to install concrete in parkways as required in Section 19-2-701.

(2) When a parcel is adjacent to a street that includes a parkway, the owner of such parcel shall be responsible for:

(a) The landscaping or concrete installation within the parkway and

(b) The maintenance of the parkway unless the City has agreed through a development agreement to maintain the parkway.

24-7-107. FAILURE TO PROPERLY MAINTAIN LANDSCAPING PROPERTY OR STRUCTURES.

(1) If the responsible person(s) fail to comply with this Ordinance, the Department may, in addition to other legal action:

(a) Undertake or cause the required maintenance;

(b) Repair, replace or maintain landscaping that exists or is required to exist.

- (2) The Department, upon approved completion of the work, shall:
- (a) Prepare an itemized statement of all costs, including administrative expenses.

CHAPTER 24-8
CLEANING OF REAL PROPERTY, WEED CONTROL
AND GRAFFITI REMOVAL

Sections:

- 24-8-101. Definitions.** (Section 1.0)
 - 24-8-102. Purpose.* (Section 2.0)
 - 24-8-103. Jurisdiction.* (Section 3.0)
 - 24-8-104. Scope. (Section 4.0)
 - 24-8-105. Real property to be kept clean and secured.* (Section 5.0)
 - 24-8-106. Standards for Weed Control.* (Section 6.0)
 - 24-8-107. Notice. (Section 7.0)
 - 24-8-108. Enforcement. (Section 8.0)
 - 24-8-109. Department authority to clean and secure property and remove graffiti upon responsible person failure to comply.* (Section 9.0)
 - 24-8-110. Alternate Methods of Compelling Payment.* (Section 10.0)
 - 24-8-111. Collection by Lawsuit.* (Section 11.0)
 - 24-8-112. Collection through Taxes.* (Section 12.0)
 - 24-8-113. Examination and Investigation.* (Section 13.0)
 - 24-8-114. Right to Appeal.* (Section 14.0)
 - 24-8-115. Penalty.* (Section 15.0)
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24-8-101. DEFINITIONS.* (SECTION 1.0)

For the purpose of these regulations, the following terms, phrases and words shall have the meaning herein expressed:

- (1) Department: The West Valley City Community Development Department. (1.1)
- (2) Director: The West Valley City Community Development Director or his authorized representatives. (1.2)
- (3) Eradication: The complete destruction of weeds by chemicals, root removal or any other method approved by the Department. (1.3)
- (4) Owner: Any person, who alone or jointly or severally with others:
 - (a) Has legal title to any premises, dwelling or dwelling unit, with or without accompanying actual possession thereof; or
 - (b) Has charge, care or control of any premises, dwelling or dwelling unit, as legal or equitable owner, agent of the owner, lessee, or is an executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. (1.4)
- (5) Person: Any individual, public or private corporation and its officers, partnership, association, firm, trustee, executor of an estate, the state or its departments, institution, bureau, agency, municipal corporation, county, city, political subdivision, or any legal entity recognized by law. (1.5)
- (6) Solid Waste:

- (a) Garbage, refuse, trash, rubbish, hazardous waste, dead animals, sludge, liquid or semi-liquid waste, and other spent, useless, worthless or discarded materials;
 - (b) Materials stored or accumulated for the purpose of discarding;
 - (c) Materials that have served their original intended purpose; or
 - (d) Waste material resulting from industrial, manufacturing, mining, commercial, agricultural, residential, institutional, recreational or community activities.
 - (e) Except it does not include solid or dissolved materials in domestic sewage or in irrigation return flows or discharges for which a permit is required under Chapter 11, Title 26, Utah Code Annotated 1953, as amended, or under the Federal Water Pollution Control Act, 33 U.S.C., Section 1251, et seq. (1.6)
- (7) Weeds:
- (a) Vegetation that has become a fire hazard;
 - (b) Vegetation that is noxious, a nuisance or dangerous, as determined by the Director;
 - (c) Grasses, stubble, brush, tumbleweeds, clippings and cuttings that endanger the public health and safety by creating a fire hazard; insect, rodent or other vermin harborage, or other nuisance;
 - (d) Poison ivy; and
 - (e) Plants specified as weeds in the Utah Noxious Weed Act, Title 4, Chapter 17, Utah Code Annotated, and its subsequent regulations. (1.7)
- (8) Abate means to put an end to any condition which is considered a violation of this Chapter. (1.8)
- (9) Deleterious means anything injurious to the health, safety or welfare of other persons. (1.9)
- (10) Property means any form of real property, including a habitable structure or any structure that is appurtenant thereto, object, or anything that is visible or tangible. Specifically including, but not limited to, hedges, automobiles, etc. (1.10)
- (11) Structure means anything constructed or erected which requires location on or below the ground, specifically including, but not limited to, fences, wells, poles, buildings or sheds. (1.11)
- (12) Unightly means offensive to the visual senses as reasonably determined by the Department. (1.12)
- (13) Graffiti means the unauthorized spraying of paint or marking of ink, chalk, dye or other similar substances on public and private structures. For the purposes of Section 10-11-1, et seq., Utah Code Annotated, graffiti is deleterious and unsightly.

24-8-102. PURPOSE.* (SECTION 2.0)

It is the purpose of these regulations to provide for the cleaning of real property, securing, maintenance or removal of structures, control of weeds and removal or obliteration of graffiti from structures within West Valley City, in a way that will:

- (1) Prevent fire hazards; (2.1)
- (2) Prevent insect, rodent and other vermin harborage; (2.2)
- (3) Prevent induction of hazardous pollens into the air; (2.3)
- (4) Prevent further spreading of vegetation that threatens the public health, safety or welfare; (2.4)

(5) Abate the existence or condition of objects, structures or solid waste that threaten the public health, safety, or welfare or that create a public nuisance; (2.5)

(6) Prevent the continued existence of unsightly or deleterious objects and structures upon property resulting from lack of maintenance, repair or cleaning.

(7) Enhance the appearance of property and reduce communication between criminal elements by elimination of graffiti on structures within the City. (2.6)

24-8-103. JURISDICTION.* (SECTION 3.0)

All cleaning, maintenance or removal of property, weed control and graffiti removal or obliteration enumerated in this Chapter shall be subject to the direction and control of the Department.

24-8-104. SCOPE. (SECTION 4.0)

It shall be unlawful for any person not to comply with any rule or regulation promulgated by the Department, unless expressly waived by these rules and regulations.

24-8-105. REAL PROPERTY TO BE KEPT CLEAN AND SECURED.* (SECTION 5.0)

It shall be unlawful for any person owning or occupying real property within West Valley City, after receiving written notice from the Department to fail:

(1) To maintain the height of weeds on the property, including adjacent parking strip(s), alley(s) and street edge(s) as required in Section 24-8-106. (5.1)

(2) To remove from the property and lawfully dispose of all cuttings from weeds or solid waste. (5.2)

(3) To effectively secure any vacant structure. (5.3)

(4) To maintain or repair any unsightly or deleterious objects or structures, as defined in this Chapter. (5.4)

(5) To remove from the property and lawfully dispose of any unsightly or deleterious objects or structures. (5.5)

(6) To remove or obliterate any graffiti from or on any structure located upon any real property within the City, when the graffiti is visible from the street or other public or private property.

24-8-106. STANDARDS FOR WEED CONTROL.* (SECTION 6.0)

Weeds shall be maintained at a height of not more than six inches (15.2 cm) at all times, and the cuttings shall be promptly cleared and removed from the premises.

(1) Weeds must be eradicated by chemicals, cutting, or other acceptable method so they do not exceed six inches (15.2 cm) in height. (6.1)

(2) Weeds that are rototilled, disked, or removed by the root must be buried under the soil, removed from the property, or composted as allowed by law. (6.2)

(3) If the Department determines that the large size of the property makes the cutting of all weeds impractical, the Department may issue an order limiting the required removal of weeds as described in subsection (2) to create a firebreak of not less than 25 feet in width around any structures and around the complete perimeter of the property. (6.3)

(4) Except that real property not in close proximity to buildings or not creating a serious nuisance or fire hazard may be exempted by the Department from the weed control requirements. (6.4)

24-8-107. NOTICE. (SECTION 7.0)

(1) Department to notify owner(s) or other(s) of violations. If the Department has inspected any premises and has found and determined that the property is in violation of these regulations or has reasonable grounds to believe that there has been a violation of any part of these regulations, or has determined that graffiti exists on a structure which is visible from the street or other public or private property, he shall give notice of the violation(s) to the owner(s) or other responsible person(s) thereof. (7.1)

(2) Department to issue written notice of violation(s). Prior to initiating a court complaint for the violation of these rules and regulations, the Department shall issue a notice pursuant to Section 24-8-107(1) and shall:

- (a) Describe the property;
- (b) Give a statement of the cause for its issuance;
- (c) Set forth an outline of the remedial action that complies with the provisions of these regulations; and
- (d) Set a reasonable time for the performance of any required remedial act. However, in the case of graffiti removal or obliteration, the time shall not exceed 10 days from the date of the notice. (7.2)

(3) Department to serve notice. The Department shall serve notice upon the owner(s) of the property or other responsible person(s) pursuant to Sections 24-8-107(1) and 24-8-107(2) of these rules and regulations. Service shall be deemed complete if the notice is served in one of the following ways:

- (a) Served in person;
- (b) Sent by mail, postage prepaid, to the last known address of the owner(s) or other responsible person(s); or
- (c) Published in a newspaper of general circulation. (7.3)

(4) One written notice sufficient for each calendar year. Only one notice need be served upon the person(s) during any calendar year directing the cutting and removal of weeds. (7.4)

24-8-108. ENFORCEMENT. (SECTION 8.0)

(1) Department to ensure compliance. It shall be the duty of the Department, upon the presentation of proper credentials, to make inspections of any property as is necessary to ensure compliance with these regulations. (8.1)

(2) Inspection made with consent. Departmental inspections may be made with consent of the owner(s) or other responsible person(s). If consent is not granted, a search may be made pursuant to an administrative search warrant issued by a court of competent jurisdiction. (8.2)

(3) Owner(s) may request a factual report of inspections. If requested, the owner(s) or other responsible person(s) of any property shall receive a report setting forth all facts found that relate to his compliance status. (8.3)

24-8-109. DEPARTMENT AUTHORITY TO CLEAN AND SECURE PROPERTY AND REMOVE GRAFFITI UPON RESPONSIBLE PERSON FAILURE TO COMPLY.* (SECTION 9.0)

(1) If the responsible person(s) fail to clean and secure his or their property or fails to remove or obliterate graffiti after a notice has been issued by the Department pursuant to Sections 24-8-107(1) and 24-8-107(2), the Department may, in addition to other legal action:

- (a) Undertake or cause the cutting, eradicating
- (2) The Department, upon approved completion of the work, shall:
 - (a) Prepare an itemized statement of all costs, including administrative expenses of cutting, eradicating and removing of weeds, securing, maintaining or removing any structure(s) on the property or removing or obliterating graffiti.
 - (b) Mail a copy of an itemized statement of costs to the responsible person(s) demanding payment to the Department or to the City Treasurer within 20 days of the date of mailing. Notice to the owner shall be deemed served if accomplished pursuant to Section 24-8-107(3). (9.2)

24-8-110. ALTERNATE METHODS OF COMPELLING PAYMENT.* SECTION 10.0)

If the owner fails to make payment within twenty days of the date of mailing, of the amount set forth in the itemized statement of costs, payable to the City Treasurer, the Department may either cause suit to be brought in an appropriate court of law or refer the matter to the City Treasurer, as provided by Section 24-8-112.

24-8-111. COLLECTION BY LAWSUIT.* (SECTION 11.0)

If collection of expenses is pursued through the court, the City shall file suit and receive a judgment for all expenses, together with reasonable attorney's fees, interest and court costs. The City may execute on such judgment in the manner provided by law.

24-8-112. COLLECTION THROUGH TAXES.* (SECTION 12.0)

If the Department elects to refer the collection of expenses to the city treasurer for inclusion in the tax notice of the property owner, the Department shall make an itemized statement of all expenses incurred and shall deliver four copies of the statement to the city treasurer, who shall deliver three copies of said statement to the county treasurer within ten days after the completion of the work for collection by the county treasurer pursuant to state law.

24-8-113. EXAMINATION AND INVESTIGATION.* (SECTION 13.0)

The Department is hereby authorized to make examinations and investigations of all real property within West Valley City, to determine whether owners of such property are complying with these rules and regulations, and to enforce their provisions. The Department is authorized to obtain an administrative warrant to allow entry onto private property for the purpose of enforcement of this Chapter or carrying out its duties under this Chapter.

24-8-114. RIGHT TO APPEAL.* (SECTION 14.0)

Within 10 calendar days after the Department has given a notice of violation(s), any person(s) aggrieved by the notice may request in writing a hearing before the Department. The hearing shall take place within 10 calendar days after the request. A written notice of the Department's final determination shall be given within 10 calendar days after adjournment of the hearing. The Department may sustain, modify or reverse the action or order.

24-8-115. PENALTY.* (SECTION 15.0)

(1) Any person who is found guilty of violating any of the provisions of these rules and regulations, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a class "B" misdemeanor. (15.1)

(2) Each day such violation is committed or permitted to continue shall constitute a separate violation. (15.2)

(3) The city attorney may initiate legal action, civil or criminal, requested by the Department to abate any condition that exists in violation of these rules and regulations. (15.3)

(4) In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the Department in removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard, sanitation violation or graffiti. (15.4)